

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TAKESHI YAMAMORI

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Appeal No. 1997-3865  
Application No. 08/439,523

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ON BRIEF

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Before KRASS, FLEMING and RUGGIERO, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 8-21, the only claims pending. This is a divisional application of Serial No. 08/292,418, made necessary by the examiner's restriction requirement in the parent case. The examiner required restriction between the claims directed to a wrist band antenna and the claims directed to a wrist-watch-style pager. The instant application is directed to the pager.

A decision by this Board in the parent application, Appeal No. 97-4154, reversed the decision of the examiner, resulting in the issuance of U.S. Patent No. 5,986,566 for a wrist band antenna.

The invention pertains to a wrist watch-style pager, illustrated by reference to independent claim 8 reproduced as follows:

8. A wrist watch-style pager comprising:

a receiver for receiving signals disposed within a main body having opposed ends;

an elongated bendable band having upper and lower surfaces and opposed ends, each end defining an opening at the same opposed end of the main body; and

a loop antenna extending between the surfaces of the band to receive signals, wherein the antenna has a substantially U-shaped structure having two opposed ends located at the same end of the band, each end having an RF coupler extending through an opening and coupled to the receiver to communicate signals from the antenna to the receiver, and wherein the loop antenna extends the length of approximately less than one-half the length of the band.

The examiner relies on the following references:

Gaskill et al. [Gaskill]	5,159,713	Oct. 27, 1992
Fujisawa et al. [Fujisawa]	5,465,098	Nov. 07, 1995
		(102(e) date: Jun. 29, 1993)

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Claims 8-21 stand rejected under 35 U.S.C. § 103 as unpatentable over Gatskill in view of Fujisawa.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

### OPINION

We reverse for essentially the same reasons set forth in our earlier decision in Appeal No. 97-4154 in the parent application.

It is the examiner's position that Gaskill discloses the instant claimed invention but for the antenna in the wrist band being of "substantially U-shaped structure having two opposed ends located at the same end of the band...wherein the loop antenna extends the length of approximately less than one-half the length of the band." However, as explained by the examiner, at page 4 of the answer, this "deficiency in Gaskill is considered to be corrected by Fujisawa who discloses an improvement of an antenna apparatus for a transceiver..." The examiner goes on to explain how Figure 17a of Fujisawa discloses the "U-shaped" antenna claimed and explains that it would have been obvious to make the antenna of Gaskill U-shaped as disclosed by Fujisawa.

As we explained in our earlier decision,

unlike the instant invention wherein a loop antenna has a substantially U-shaped structure having two opposed ends located at the same end of the band, Fujisawa's antenna has a portion on each of the two sections of the band, wherein the antenna portions are connected and joined through the pager mainbody.

While the examiner is clearly interpreting only one portion of Fujisawa's antenna (e.g., the left hand portion in Figure 17a made up of end sections 531a and 531b, having a U-shaped structure with slot 53a therebetween), to be the claimed loop antenna, the examiner's interpretation, in our view, is misplaced. It is clear, from the description at columns 11-12 of Fujisawa, that the antenna of Fujisawa is the complete structure comprising end section 531a joined, through the transceiver circuit board 567, to end section 532a on the other band section and end section 531b joined, through the transceiver circuit board 567, to end section 532b on the other band section. Thus, when viewed in its entirety, the antenna depicted in Figure 17a of Fujisawa, relied on by the examiner, is not a U-shaped loop antenna at all. Rather, the loop of Fujisawa's antenna is completely closed. The examiner may not dissect the antenna disclosed by Fujisawa and rely on only one section thereof to anticipate the claimed antenna. Clearly, since Fujisawa's antenna, as a whole, is not U-shaped in structure, it does not have two opposed ends located at the same end of the band, as required by independent claim 8.

Since Fujisawa's antenna is not U-shaped in structure, as claimed, and the examiner's rejection is bottomed on Fujisawa teaching such a structure in order to modify Gaskill, the rejection must fall.

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The examiner's decision rejecting claims 8-21 under 35 U.S.C. § 103 is reversed.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
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	)	
JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	

eak/vsh

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